

RUBIN, FIORELLA & FRIEDMAN LLP

ATTORNEYS AT LAW
292 MADISON AVENUE
NEW YORK, NEW YORK 10017
TELEPHONE: (212) 953-2381
FACSIMILE: (212) 953-2462

WRITER'S DIRECT DIAL:

E-MAIL:

(212) 447-4605
Jmercante@rubinfiorella.com

November 21, 2011

Via: ECF

Honorable Katherine B. Forrest
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: JAMES ABRAHAM, et al. v. RICHARD AQUILONE, JR.

**RICHARD AQUILONE, JR. v. NYWT SHARK LLC and NYWT CIRCLE LINE LLC
d/b/a CIRCLE LINE DOWNTOWN as Owners and Operators of the Motor Vessel
SHARK, *In Personam*, and the M/V SHARK, *In Rem*.**

Venue: United States District Court, Southern District of New York

Index Num.: 11-cv-05947 (KBF)

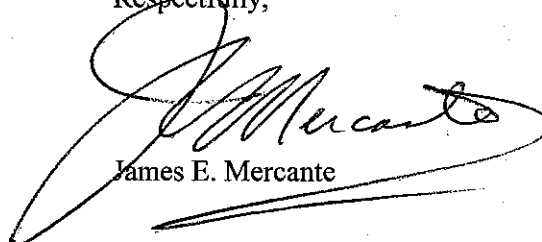
Our File: 628-16385

Dear Judge Forrest:

We are counsel for defendant and third-party plaintiff, RICHARD AQUILONE, JR., in the above captioned admiralty personal-injury matter. We hereby submit this letter per Judge P. Kevin Castel's order of November 18, 2011 understanding that the case is now assigned to Your Honor.

We disagree with third-party defendants arguments in their letter of November 17, 2011, and we look forward to addressing this matter before your honor. Furthermore, we do not object to counsel for third-party defendants request to attend the conference on November 28, 2011 on a so-called 'without prejudice' basis.

Respectfully,



James E. Mercante

Honorable Katherine B. Forrest
United States District Judge
November 21, 2011
Page 2 of 2

JEM/RG/df

Copy: Via ECF

Andrew J. Maloney, III, Esq.
Jared L. Watkins
KREINDLER & KREINDLER LLP
750 Third Avenue
New York, NY 10017

Michael E. Unger, Esq.
Daniel J. Fitzgerald, Esq.
FREEHILL HOGAN & MAHAR, LLP
80 Pine Street
New York, New York 10005

Copy: Via Fax 212-805-7949

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007